IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 5452(S/S) 2001
(Old No. 342/1996)

Harish Chandra Joshi S/o late Hira Ballabh Joshi,
Resident of village and Post Barave,
District Pithoragarh. ..... Petitioner.

Versus

1. Addl. Registrar Corporative Societies,
(Administration) U.P. Lucknow,
2. Asstt. Registrar, Cooperative Societies,
U.P. (Pauri Garhwal),
3. District Asstt. Registrar, Cooperative Societies,
Uttar Pradesh, Uttarkahsi,
4. Asstt. District Development Officer,
Pithoragarh. .....Respondents.

Sri S.S. Adhikari, learned counsel for the petitioner.
Smt. Beena Pandey, learned Standing Counsel for the State of U.P./respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Adhikari, learned counsel for the petitioners and Smt. Beena Pandey, learned Standing Counsel for State of U.P./respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 1,2,&3 to forthwith pay to the petitioner the amounts which the petitioner is entitled to receive as General Provident Fund, Gratuity, Group Insurance and Leave Encashment payable to the petitioner's husband late Hira Ballabh Joshi,

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay to the petitioner family pension from the date of the death of her husband i.e. 07.11.1986,

iii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case,

iv. To award the costs of the petition to the petitioner.

Initially, this writ petition was filed by Smt. Nandi Devi for payment of General Provident Fund, Gratuity, Group Insurance and for Leave Encashment, payable to the husband of the petitioner, namely, late Sri Hira Ballabh Joshi who expired on 07.11.1986 while working as Cooperative Inspector Grade-II. Though, Sri Hira Ballabh was expired in the year 1986, his wife was not paid the General Provident Fund, Gratuity, Group Insurance and Leave Encashment payable to her husband.

During the pendency of writ petition, the petitioner Smt. Nandi Devi was also expired, therefore, a substitution application no. 3542/06 was filed by her son alongwith the delay condonation application, which was allowed by this Court on 28.11.2006. Accordingly, the present petitioner has been substituted in place of late Smt. Nandi Devi.

Today when the case was called out; learned counsel for the petitioner Sri S.S. Adhikari has submitted at bar, that till date the petitioner has not received the dues of late Sri Hira Ballabh Joshi. More then 20 years have been passed, the respondents have not paid the General Provident Fund, Gratuity, Group Insurance and Leave Encashment of late Sri Hira Ballabh Joshi to his beneficiaries. An order was also

passed by the Assistant Registrar (Uttarakhand) Cooperative Societies U.P. on 18th January 1995 directing the District Assistant Registrar, Cooperative Societies, U.P. Uttarkashi to make payment of the dues to the wife of the deceased. In spite of this order, no payment has been made by the respondents till date.

In these circumstances, I deem it fit and proper directing the Registrar, Cooperative Societies, U.P., Lucknow to make payment of the dues of late Sri Hira Ballabh Joshi to the petitioner within the period prescribed by this Court.

Accordingly, I direct the Registrar, Cooperative Societies U.P., Lucknow to look in to the matter personally and settle the case by making payment of the dues (General Provident Fund, Gratuity, Group Insurance and Leave Encashment) of late Sri Hira Ballabh Joshi to his son i.e. the petitioner within a period of three months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of .No order as to cost.

(M.M. Ghildiyal, J.)

March 14, 2007:
NCM: